

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON

JOSHUA LAMONT SUTTON,

Plaintiff,

v.

Case No. 2:11-cv-00522

**RENEA JOYCE BROWN,
CARRIE H. LEFEVRE, and
FAMILY COURT OF LINCOLN
COUNTY, WEST VIRGINIA,
(in their official and non-
official capacities),**

Defendants.

PROPOSED FINDINGS AND RECOMMENDATION

On November 15, 2011, the court restored this case to the active docket, noting the plaintiff's new address, and granted him 30 days to consult with his guardian *ad litem* and to file such responses to various pending motions as he deemed appropriate (ECF No. 28). The plaintiff has failed to file any responses and has not contacted the Clerk's office. It appears that the plaintiff received the relief that he sought (*i.e.*, notice and an opportunity to be heard with respect to a case pending in the Family Court of Lincoln County, West Virginia), and that he does not wish to prosecute this civil action. Accordingly the undersigned proposes that the presiding District Judge **FIND** that the plaintiff has failed to prosecute this action. It is respectfully **RECOMMENDED** that this civil action be dismissed without prejudice for failure to prosecute.


Notice

The parties are notified that this Proposed Findings and Recommendation is hereby **FILED**, and a copy will be submitted to the Honorable Joseph R. Goodwin, Chief United States District Judge. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Rules 6(d) and 72(b), Federal Rules of Civil Procedure, the parties shall have fourteen days (filing of objections) and three days (mailing) from the date of filing this Proposed Findings and Recommendation within which to file with the Clerk of this Court, specific written objections, identifying the portions of the Proposed Findings and Recommendation to which objection is made, and the basis of such objection. Extension of this time period may be granted for good cause shown.

Failure to file written objections as set forth above shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals. *Snyder v. Ridenour*, 889 F.2d 1363 (4th Cir. 1989); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). Copies of such objections shall be provided to Chief Judge Goodwin.

The Clerk is directed to file this Proposed Findings and Recommendation, to mail a copy to the plaintiff, and to transmit it electronically to counsel of record.

January 3, 2012


Mary E. Stanley
United States Magistrate Judge